

DOCUMENT RESUME

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[Claim for Reimbursement of Commercial Air Transportation Costs for Dependent Son]. B-188596. August 10, 1977. 4 pp.

Decision re: Suzen Nishihira; by Robert P. Keller, Deputy Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Department of the Air Force.

Authority: DOD Directive 4515.13-R, para. 4-5c. DOD Directive 4515.13-R, para. 2-3.1. DOD Directive 1000.13, para. 3-B-1. 2 J.T.R., para C7005.1.

A Federal employee claimed reimbursement of the commercial transportation costs for his dependent son who was denied space-available travel aboard Department of Defense (DOD) aircraft because the officer in charge of the terminal incorrectly interpreted DOD directives relevant to his son's age. The Air Force stated that the dependent son's failure to have the proper documents in his possession caused the Traffic Management Officer to deny travel, and the claim for reimbursement may not be certified for payment. (Author/SC)

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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-138596

DATE: August 10, 1977

MATTER OF: Suzen Nishihira - Claim for reimbursement
commercial air transportation costs for
dependent son

DIGEST: Department of Defense (DOD) employee claims reimbursement for commercial air transportation of dependent son who was denied space-available travel aboard DOD aircraft on grounds that Officer in Charge of terminal incorrectly interpreted DOD directives relevant to son's age. The Air Force states that dependent son's failure to have proper documents in his possession caused Traffic Management Officer to deny travel. Accordingly, the claim for reimbursement of commercial air transportation costs may not be certified for payment.

This action concerns the claim of Mr. Suzen Nishihira, a civilian employee of the Department of the Air Force, for reimbursement of commercial transportation costs for his dependent son. The file shows that Mr. Suzen Nishihira was stationed at Kadena Air Base, Okinawa, Japan, and Mr. Henry S. Nishihira was his dependent son. During the period of this claim Henry S. Nishihira was an undergraduate student at Purdue University in Lafayette, Indiana.

On April 17, 1976, a Request and Authorization for Transportation was approved for Henry S. Nishihira and issued as Special Order No. TD-165. The approved request listed an effective date for travel on or about May 3, 1976, and an itinerary from CONUS, APOE, to Kadena Air Base, Okinawa, Japan. The approval, citing Department of Defense (DOD) Directive 4515.13-R, para. 4-5c, allowed for student travel on a space-available basis, and further instructed the dependent to contact USAF ATCO, CONUS, APOE, for necessary transportation arrangements. Additional instructions contained in the travel order provided that there was no guaranteed space for travel permitted on a space-available basis, and therefore the individual must be prepared to continue via commercial facilities at personal expense. Further, the individual must have in his possession a current passport, immunization certificate (PHS Form 731) and identification tags when reporting for booking and during travel.

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On May 11, 1976, at 11 p.m. Henry S. Nishihira arrived at Norton Air Force Base and requested assistance in returning to Okinawa, Japan. At that time he had in his possession a proper dependent travel order (Special Order No. TD-165), a valid passport, current shot record (PHS Form 731), and a Japanese visa. He did not have a Government identification card.

The Non Commissioned Officer in Charge (NCOIC) at the military Airlift Command terminal informed Henry S. Nishihira that there was a chance of obtaining a seat on a space-available basis for the next morning, May 12, 1976. However, due to the lack of a Government identification card a question arose concerning Henry S. Nishihira's eligibility to proceed under the travel orders. Henry S. Nishihira was sent to the Security Police Office to obtain an identification card, but as the office was closed no card was obtained. The NCOIC arranged for Henry S. Nishihira to meet with the Officer in Charge (OIC) of the terminal, and on the morning of May 13, 1976, Henry S. Nishihira met with the Air Force Captain serving as OIC of the terminal. As a result of this meeting Henry S. Nishihira was denied passage.

The administrative report forwarded by the Department of the Air Force states that the Traffic Management Officer denied passage on a space-available basis to Henry S. Nishihira for failure to have proper documents in his possession. The claimant states that the OIC of the terminal declared that Henry S. Nishihira was ineligible for travel since his twenty-first birthday had passed, quoting DOD Directive 4515.13-R, para. 2-3.1, as authority for her decision.

As a result of the denial of transportation on a space-available basis, Henry S. Nishihira obtained passage to Okinawa, Japan, on May 12, 1976, from Los Angeles, California, via Pan American Airlines at a cost of \$240. Mr. Suzen Nishihira now claims reimbursement, on behalf of his dependent son, for the cost of the commercial flight to Okinawa, Japan, stating the OIC of the Military Airlift Command terminal misinterpreted DOD Directive 4515.13-R, para. 2-3.1, and that pursuant to such directives his dependent son was entitled to space-available transportation.

There is a conflict in the statements of the parties concerning the reasoning and authority for denying Henry S. Nishihira space-available transportation in accordance with the Special Order No. TD-165,

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on May 12, 1976. Volume II of the Joint Travel Regulations, C7005, paragraph 1, allows for transportation of student dependents of civilian employees on a space-available basis. Such transportation is governed by appropriate regulations of the service concerned. Therefore, the OIC of the Military Airlift Command terminal at Norton Air Force Base was properly exercising her authority by reading the instructions of Special Order No. TD-165, restrictively in regard to the requirement that a passenger must have a Government identification card in his possession when reporting for booking. Department of Defense Directive 1000.13, para. 3-B-1, is definitive on the issuance and utilization of DD Form 1173, the dependent's identification card, and provides in part as follows:

"Dependents and Other Qualified Personnel.

DD Form 1173 shall be used throughout the Department of Defense for identification of those categories of persons listed in 1., below, and as an authorization card for the benefits or privileges administered by the Military Departments to which those persons may be entitled. No other forms shall be used for such purposes except as herein provided * * *.

- "1. Category of Eligible Personnel. Dependents of members of the Uniformed Services; civilians accompanying or employed by the Uniformed Services * * *."
(DOD 1000.13, para. 3-B.)

In accordance with the directive it is not incumbent upon terminal officials to look beyond the DD Form 1173 to attempt to establish the identity of the party with whom they are dealing. The concept of space-available transportation at Government expense for dependent students of Government employees stationed outside the continental United States is in the nature of a permissible privilege. The very language of the Special Order No. TD-165 states that there is no guarantee for travel permitted on a space-available basis, and an individual must be prepared to continue his route via commercial facilities at personal expense.

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Air Force officers administering facilities that provide for air transportation to and from the continental United States bear a heavy responsibility to safeguard the interests of the Air Force and the passengers of a particular flight. Individual Commanders are required to act with prudence under DOD Directive 4515.13-R which provides in part as follows:

"* * * Commanders at all levels will exercise prudent judgment to insure that only authorized traffic is transported and that they do not misuse the authority delegated to them under the provisions of this regulation."

Without proper identification and in not conforming with Special Order No. TD-165, Henry S. Nishihira was properly denied passage under the circumstances presented.

Accordingly, the voucher may not be certified for payment.


Deputy Comptroller General
of the United States